

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

| | | |
|----------------------------|---|---------------------------|
| IN RE: GENENTECH HERCEPTIN |) | |
| (TRASTUZUMAB) MARKETING |) | MDL DOCKET NO. 16-MD-2700 |
| AND SALES PRACTICES |) | ALL CASES |
| LITIGATION |) | |

**GENENTECH'S UNOPPOSED MOTION TO EXTEND DATE FOR FILING
PARTIES' JOINT SUBMISSION REGARDING PREEMPTION DISCOVERY**

Defendant Genentech, Inc. (the "Parties") respectfully requests that the Court continue the date, to and including September 28, 2016, within which the Parties are to file a joint submission regarding preemption discovery. In support of this Motion, Genentech states as follows:

1. On August 29, 2016, the Court entered its Minute Order [Doc. No. 117] directing the Parties' to "file a joint positions statement that addresses each outstanding discovery dispute" on or before September 26, 2016.

2. Genentech respectfully requests that the Court continue the date, to and including September 28, 2016, within which the Parties are to file a joint submission regarding preemption discovery.

3. Plaintiffs have no objection to the relief requested in the Motion.

4. This Motion is not brought for the purpose of delay but, rather, to afford the Parties adequate time to confer, exchange their respective parts of the joint submission, and provide a detailed joint submission that addresses each area of dispute that will be of material assistance to the Court.

CONCLUSION

For the foregoing reasons, Defendant Genentech, Inc. respectfully requests that the Court continue the date, to and including September 28, 2016, within which the Parties are to file a Joint Submission Regarding Preemption Discovery.

Respectfully submitted,

s/William W. O'Connor

WILLIAM W. O'CONNOR, OBA No. 13200

NEWTON, O'CONNOR, TURNER & KETCHUM, PC

15 W. 6th Street, Suite 2700

Tulsa, OK 74119

Telephone: (918) 587-0101

Facsimile: (918) 587-0102

Email: boconnor@newtonconnor.com

-and-

ALICIA J. DONAHUE, Bar No. 117412

(admitted pro hac vice)

SHOOK, HARDY & BACON LLP

One Montgomery, Suite 2700

San Francisco, CA 94104

Telephone: (415) 544-1900

Facsimile: (415) 391-0281

Email: adonahue@shb.com

JAMES P. MUEHLBERGER, Bar No. 51346

(admitted pro hac vice)

SHOOK, HARDY & BACON LLP

2555 Grand Blvd.

Kansas City, MO 64108

Telephone: (816) 474-6550

Facsimile: (816) 421-5547

Email: jmuehlberger@shb.com

Attorneys for Defendant, Genentech, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of September, 2016 the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/William W. O'Connor

William W. O'Connor